

**Amendment to the claims:**

1. (Original) In a mobile terminal, a method of activating a silent mode for PTT calls, the method comprising:

activating a silent mode for the mobile terminal that includes sending a message instructing a PTT server to disable the PoC global setting associated with the mobile terminal's PTT server accept list.

2. (Previously Amended) In a mobile terminal, a method of de-activating a silent mode for PTT calls, the method comprising:

de-activating a silent mode for the mobile terminal that includes sending a message instructing a PTT server to enable the PoC global setting associated with the mobile terminal's PTT server accept list.

3. (Original) In a PTT server, a method of activating a silent mode for PTT calls for a client mobile terminal, the method comprising:

receiving a message from the client mobile terminal instructing the PTT server to disable the PoC global setting associated with the client mobile terminal's PTT server accept list, said message the result of the mobile terminal activating a silent mode.

4. (Original) In a PTT server, a method of de-activating a silent mode for PTT calls for a client mobile terminal, the method comprising:

receiving a message from the client mobile terminal instructing the PTT server to enable the PoC global setting associated with the client mobile terminal's PTT server accept list, said message the result of the mobile terminal de-activating a silent mode.

5. (Currently Amended) In a mobile terminal, a computer readable medium storing a computer program product ~~embodied on a computer readable medium~~ for activating a silent mode for PTT calls, the computer readable medium ~~program~~ ~~product~~ comprising:

computer program code for activating a silent mode for the mobile terminal that includes computer program code for sending a message instructing a PTT server to disable the PoC global setting associated with the mobile terminal's PTT server accept list.

6. (Currently Amended) In a mobile terminal, a computer readable medium storing a computer program product ~~embodied on a computer readable medium~~ for de-activating a silent mode for PTT calls, the computer readable medium ~~program~~ ~~product~~ comprising:

computer program code for de-activating a silent mode for the mobile terminal that includes computer program code for sending a message instructing a PTT server to enable the PoC global setting associated with the mobile terminal's PTT server accept list.

7. (Currently Amended) In a PTT server, a computer readable medium storing a computer program product ~~embodied on a computer readable medium~~ for activating a silent mode for PTT calls, the computer readable medium ~~program~~ ~~product~~ comprising:

computer program code for receiving a message from the client mobile terminal instructing the PTT server to disable the PoC global setting associated with the client mobile terminal's PTT server accept list, said message the result of the mobile terminal activating a silent mode.

8. (Currently Amended) In a PTT server, a computer readable medium storing a computer program product ~~embodied on a computer readable medium~~ for de-activating a silent mode for PTT calls, the computer readable medium ~~program~~ ~~product~~ comprising:

computer program code for receiving a message from the client mobile terminal instructing the PTT server to enable the PoC global setting associated with the client

mobile terminal's PTT server accept list, said message the result of the mobile terminal de-activating a silent mode.

### **Remarks**

The Examiner has rejected claims 5-8 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner has interpreted claims 5-8 as claiming a "signal" considered non-statutory subject matter according to the interim guidelines for examination of patent applications. Applicant disagrees with this assertion.

Applicant has amended the specification and claims to indicate that what is being claimed is "*a computer readable medium storing a computer program product*". The definition of computer readable storage medium, both on its face and as interpreted by the specification, refers to a tangible physical medium not an ethereal "signal". A signal cannot store the computer program product. The computer readable storage medium can, however, encompass a device that can, in conjunction with one or more other devices, transmit or propagate the computer program product to another computer readable storage medium. The mere fact that computer program code can be moved from one computer readable storage medium to another does not necessarily indicate that the claims as written and described in the present application are attempting to claim a "signal" per se. The claims quite clearly indicate that the subject matter is tangible with respect to the term "medium" thereby excluding the concept of an ethereal "signal" as a storage medium. Thus, reconsideration and withdrawal of the 35 USC 101 rejection of claims 5 - 8 is requested.

The Examiner has rejected claims 1-8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2005/0192039 to Xue et al. ("Xue").

Xue is directed toward the selective override of a do-not-disturb (DND) flag setting in a mobile device or infrastructure controlling the mobile device such that even if a user has set his mobile device to DND in a PTT mode, certain attempts to establish a connection can still be made.